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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO	
10/532,585	04/25/2005	Kenshi Kamei	KAMEI2 4282	
	7590 05/12/200 D NEIMARK, P.L.L.C	EXAMINER		
624 NINTH ST SUITE 300		SPIVACK, PHYLLIS G		
	N, DC 20001-5303	ART UNIT	PAPER NUMBER	
			1614	
			MAIL DATE	DELIVERY MODE
			05/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Application No.	olication No. Applicant(s)					
		10/532,585		KAMEI ET AL.				
		Examiner		Art Unit				
		Phyllis G. Spivacl	(1614				
Period fo	The MAILING DATE of this communication ap or Reply	ppears on the cover	sheet with the c	orrespondence ad	ddress			
WHIC - Exter after - If NC - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLEHEVER IS LONGER, FROM THE MAILING Ensions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. Properties of the period for reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by statute pely received by the Office later than three months after the mailing apparent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS CO .136(a). In no event, howe I will apply and will expire Ste, cause the application to	MMUNICATION wer, may a reply be time BIX (6) MONTHS from the become ABANDONE	l. ely filed the mailing date of this o O (35 U.S.C. § 133).				
Status								
1)[\	Responsive to communication(s) filed on <u>08 A</u>	Anril 2009						
•		is action is non-fina	ıl.					
—	,			secution as to the	e merits is			
الحارك	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
	closed in decordance with the produce under	Ex parto Quayro, 1	000 0.5. 11, 10	0.0.210.				
Dispositi	on of Claims							
4)🛛	I)⊠ Claim(s) <u>10 and 15-19</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	5) Claim(s) is/are allowed.							
6)□	6) Claim(s) is/are rejected.							
7)🛛	Claim(s) <u>10, 15-19</u> is/are objected to.							
8)□	Claim(s) are subject to restriction and/o	or election requirer	nent.					
Applicati	on Papers							
9)	The specification is objected to by the Examin	er.						
-	The drawing(s) filed on is/are: a) ac		ected to by the E	xaminer.				
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority ເ	ınder 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
2) Notic 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	5)	Interview Summary Paper No(s)/Mail Da Notice of Informal Pa Other:	te				

A Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after Final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 8, 2009 has been entered.

Claims 10 and 15-19 remain under consideration.

A Declaration under 37 CFR 1.131 by Hedeki Sato filed April 8, 2009 is acknowledged.

The rejection of record of claims 10 and 15-19 under 35 U.S.C. 103 as being unpatentable over Koga et al., Drugs of the Future, is withdrawn.

This application is in condition for allowance except for the following formal matters:

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Methods of Treating Dyschezia.

The abstract of the disclosure is objected to because the present claims are solely drawn to methods of <u>treating</u> constipation comprising administering compounds of instant Formula I. Correction is required. See MPEP § 608.01(b).

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this Action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Phyllis G. Spivack whose telephone number is 571-272-0585. The Examiner can normally be reached from 10:30 to 7 PM.

If attempts to reach the Examiner by telephone are unsuccessful after one business day, the Examiner's supervisor, Ardin Marschel, can be reached 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phyllis G. Spivack/ Primary Examiner, Art Unit 1614

May 9, 2009